

Abstract: Teleological interpretation and the case law of Czech courts

The purpose of my thesis is to analyze teleological interpretation from both the theoretical and the practical point of view. Since the use of teleological interpretation by Czech courts has increased in the last two decades, the reason for my research is to present recent legal discussions related to the teleological interpretation. The thesis also examines the arguments which support or criticise such method of interpretation and compares them to contemporary judicial decisions.

The thesis is composed of two main chapters; each of them explores the teleological interpretation from a different perspective. The first part is a theoretical part which summarizes acquired knowledge of legal theory concerning teleological interpretation. The second part deals with detailed analysis of selected judicial decisions. The aim of the thesis is to provide a reader with a comparison between theoretical and practical approach to the teleological interpretation.

The opening subchapters of the theoretical part explicate what the statutory interpretation is. It also attempts to outline the limits of interpretation. Subsequently, the study presents and characterises the main methods of statutory interpretation, i.e. language interpretation, logic interpretation, systematic interpretation, historical interpretation and comparative interpretation.

The following subchapters investigate exclusively the teleological interpretation. Firstly, it focuses on the definition of teleological interpretation and the scope of arguments covered by the teleological interpretation. Secondly, it analyzes the basic scheme of teleological interpretation, i.e. the argumentation based on the purpose of law. It explains the notion of the purpose of law and provides a method of its finding. Consequently, the thesis describes the group of teleological arguments, which involves values in the interpretation (so-called axiological interpretation), such as *argumentum a simili*, *argumentum a fortiori* and arguments based on general legal principles. Following subchapters address issue of other teleological arguments as teleologically-systematic interpretation, *argumentum ad absurdum* and teleological reduction. Finally, the last subchapters of the theoretical part briefly present the remaining arguments of teleological interpretation.

The practical part is subdivided into nine subchapters, each of them illustrating the approach to decision-making by courts applying within this activity teleological interpretation. Each of these subchapters highlights a specific role of the influence of the teleological interpretation regarding the individual case. The practical part then examines the approach of Czech courts to teleological interpretation from following perspectives: the position of teleological interpretation among other methods of interpretation (especially in relation to language interpretation), the influence of the teleological argumentation which involves other sources than plain text of the law (such as interpretation based on values and general legal principles), the use of *argumentum ad absurdum* in practice etc.

The conclusion summarizes main ideas resulting from the comparison between the theoretical and practical part of this thesis.